

1 Michael Geary Wilson  
818 Tampico, Walnut Creek, CA 94598  
2 (925) 270-6017  
michaelgearywilson@hotmail.com  
3 PRO SE PLAINTIFF  
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United States District Court  
Northern District of California

12 MICHAEL GEARY WILSON,

13 Plaintiff,

14 v.

15 FLORIDA DEPARTMENT OF REVENUE;  
16 CALIFORNIA HEALTH AND HUMAN  
SERVICES AGENCY; and  
17 DOES 1-50  
*in their official and/or individual capacities, if*  
18 *natural persons.*

19 Defendants.  
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Case Number:

**C14- 4726**

**COMPLAINT**

**JURY TRIAL DEMANDED**

**FILED**  
OCT 24 2014  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

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18	Enforceability in California of an Attached Florida Court Order Entered June 13, 2011	
19	Terminating PLAINTIFF'S Parental Rights)	
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1 Plaintiff, MICHAEL GEARY WILSON, files this Complaint against all Defendants, and each of  
2 them, ***demanding a jury trial*** of all facts, issues and causes of action, and alleges as follows:

### 3 PARTIES

#### 4 Plaintiff

5 1. At all material times relevant to this complaint, Plaintiff MICHAEL GEARY WILSON  
6 ("PLAINTIFF") is and was a California resident, residing in the City of Walnut Creek, California,  
7 County of Contra Costa. PLAINTIFF is a citizen of California.

#### 8 Monell Defendants

9 2. Plaintiff is informed and believes that at all times herein mentioned Defendant FLORIDA  
10 DEPARTMENT OF REVENUE ("FDOR") is a public entity primarily located at 5050 W. Tennessee  
11 Street, Building L Tallahassee, FL 32399-0195 and the public employer of several unidentified  
12 Defendants. Defendant FDOR is a citizen of Florida.

13 3. Plaintiff is informed and believes that at all times herein mentioned Defendant  
14 CALIFORNIA HEALTH AND HUMAN SERVICES ("CHHS") is a public entity primarily located at  
15 1600 Ninth Street, Room 460, Sacramento, California 95814 and the public employer of several  
16 unidentified Defendants. Defendant CHHS is a citizen of California.

#### 17 Unidentified Defendants

18 4. The true names and capacities of the defendants sued as DOES 1 through 50, inclusive,  
19 whether individual, private company, public entity, corporate, associate, agents, or otherwise, are  
20 unknown to PLAINTIFF as the real names are not ascertainable or known to PLAINTIFF because the  
21 relevant information has not yet been disclosed. DOES Defendants are sued under fictitious names  
22 pursuant to *Anderson v. Allstate Ins. Co.* (9th Cir. 1980) 630 F.2d 677). PLAINTIFF is informed and  
23 believes that each of the DOE defendants is a citizen of the United States and was responsible in some  
24 way for the occurrences and injuries alleged in this complaint, acted as an agent or employee of the  
25 other defendants and ratified the conduct of other defendants.

### 26 SUBJECT MATTER JURISDICTION AND VENUE

27 5. This court has original subject matter jurisdiction under 28 U.S.C. §§ 1331, 1332 and  
28 1343.

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1 proceedings, it leaves the parent with no right to visit or communicate with the child, to participate in, or  
2 even to know about, any important decision affecting the child's religious, educational, emotional, or  
3 physical development." *Lassiter v. Department of Social Servs. of Durham Cty.*, 452 US 18 (1981)  
4 and/or any of the 4,262 cases and counting nationwide that have cited it to date.

5 13. On or about June 13, 2011, a Florida Court entered a TPR order against PLAINTIFF  
6 toward his only child, Grace Caroline Wilson ("Grace"), whose date of birth is March 9, 2004.

7 14. On or about October 24, 2011, a California Court, through its own order, confirmed the  
8 enforceability in California of the Florida TPR order. A certified copy of that California order, which  
9 includes a certified copy of the Florida TPR order, is included in APPENDIX A.

10 15. According to the relevant law, PLAINTIFF'S "obligation to provide child support ended  
11 when the court terminated his parental rights." (See, e.g., *Ponton v. Tabares*, 711 So. 2d 125 - Fla: Dist.  
12 Court of Appeals, 3rd Dist. (1998); *JL v. GL*, 863 So. 2d 428 - Fla: Dist. Court of Appeals, 4th Dist.  
13 (2003).)

14 **B. The Defendants Are Acting Unlawfully and Harming PLAINTIFF**

15 16. Since about April 2012, Defendant FDOR, by and through its unidentified employees and  
16 agents, has stolen thousands and thousands of dollars from PLAINTIFF, committed mail and/or wire  
17 fraud against him, defamed him and intentionally interfered in his business relationships under the  
18 pretext of collecting child support payments, which are not due from PLAINTIFF.

19 17. PLAINTIFF had a contractual relationship with his then-employer, Kaiser Foundation  
20 Health Plan, Inc. ("KFHP").

21 18. Certain employees of Defendant FDOR knew of PLAINTIFF'S contractual employment  
22 relationship with KFHP.

23 19. Those employees intended to disrupt the performance of that contract, and their conduct  
24 prevented performance or made performance more expensive or difficult.

25 20. Since about June 2014, Defendants FDOR and CHHS, by and through their unidentified  
26 employees and agents, have worked together to steal hundreds of dollars from PLAINTIFF, committed  
27 mail and/or wire fraud against him, defamed him, harassed and intimidated him and intentionally  
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1 interfered in his business relationships under the pretext of collecting child support payments, which are  
2 not due from PLAINTIFF.

3 21. PLAINTIFF has a contractual relationship with Bank of America ("BoA").

4 22. Certain employees of Defendant CHHS knew of PLAINTIFF'S contractual employment  
5 relationship with BoA.

6 23. Those employees intended to disrupt the performance of that contract, and their conduct  
7 prevented performance or made performance more expensive or difficult.

8 24. Defendants FDOR and CHHS, by and through their unidentified employees and agents,  
9 have refused PLAINTIFF'S multiple demands to cease and desist their wrongdoing, which has harmed  
10 and continues to harm PLAINTIFF.

11 25. Defendants FDOR and CHHS, by and through their unidentified employees and agents,  
12 have acted and are acting knowingly, intentionally, willfully and maliciously.

13 26. All of the Defendants who have participated in or otherwise caused, approved or ratified  
14 the foregoing unlawful acts, did so in disregard of their actual knowledge that PLAINTIFF had no child  
15 support obligation toward his former daughter, Grace, after June 13, 2011.

16 27. In addition to violations of constitutional and federal law, the relevant activities by the  
17 unidentified Defendants employed by and/or associated with Defendant CHHS violate the California  
18 Penal Code (CPC) as follows (attempts and aiding/abetting are incorporated into the meaning of each  
19 violation):

- 20 a. §§ 132 & 133, FABRICATING EVIDENCE;
- 21 b. § 136.1(b)(1); CPC §§ 136.1(c)(1), 136.1(c)(2) AND/OR 137(b) or (c), INFLUENCING,
- 22 INTIMIDATING OR THREATENING A WITNESS, VICTIM, OR AN INFORMANT;
- 23 c. § 518, EXTORTION;
- 24 d. § 182(a)(1), (2) & (5), CONSPIRACY;
- 25 e. violations of the CPC, if any, that pertain to other rights protected by the California
- 26 Constitution (e.g., to petition the government for redress of grievances, etc.); and/or
- 27 f. any other CPC violation that may be supported by the allegations of this complaint.
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1           28.     Defendants thereby caused PLAINTIFF to experience symptoms associated with his  
2 disabilities.

3           29.     On information and belief, employees and/or associates of Defendant CHHS knew of  
4 PLAINTIFF'S disabilities before April 2012.

5           30.     On information and belief, employees and/or associates of Defendant CHHS knew of  
6 PLAINTIFF'S disabilities before June 2014.

7           31.     Certain unidentified employees and/or associates of Defendant CHHS published false  
8 statements about PLAINTIFF that they knew or should have known were false and/or in reckless  
9 disregard for the truth and/or otherwise painted PLAINTIFF in a false light with other employees of  
10 Defendant CHHS and members of the public.

11           32.     Defendants conspired to chill, frustrate, deny and/or retaliate against PLAINTIFF'S  
12 exercise of his rights to protect himself from fraud, extortion, speak and gather information about  
13 governmental activities free from prior restraint and viewpoint and/or other discrimination, petition the  
14 government for redress of grievances, due process and equal protection under law.

15           33.     Defendants' unlawful actions have infringed on many of PLAINTIFF'S liberty interests,  
16 including prohibiting him from travelling internationally.

17           34.     Because the Defendants knew or should have known about the TPR order regarding  
18 PLAINTIFF before they began their aforementioned campaign against him, they are not immune from  
19 liability for the damage it has done.

20           35.     Defendants FDOR and CHHS had and have obligations to train and supervise their  
21 employees, especially those with power to make and execute policy, to assure that they complied with  
22 the state and federal law in performing their duties. Defendants FDOR and CHHS did not properly train  
23 or supervise their employees to assure that they complied with these laws.

24           36.     Defendants FDOR and CHHS had and have policies and/or customs of indifference to  
25 misconduct by their employees by failing to properly investigate complaints of misconduct and to  
26 discipline them.



1           37. Defendants FDOR and CHHS also had policies and/or customs of tolerating a “code of  
2 silence” in which their employees understood that they were not to report or investigate misconduct by  
3 each other.

4           38. On information and belief, Defendant CHHS has also developed a custom of:

- 5           a. making it difficult for citizens to file complaints about the conduct of its employees;
- 6           b. breaching the confidentiality of citizens’ confidential complaints;
- 7           c. enabling retaliation against and intimidation of citizens who file complaints; and
- 8           d. performing negligent and/or sham investigations of citizens’ complaints.

9           39. Defendants FDOR and CHHS had obligations to discipline their employees when they  
10 failed to comply with state and federal law in performing their duties. Defendant CHHS did not  
11 discipline employees for acting against people engaging in activities in and around public buildings that  
12 are protected by the California Constitution and/or the United States Constitution, including speaking,  
13 gathering and recording information about governmental activities free from prior restraint and  
14 viewpoint and/or other discrimination, petitioning the government for redress of grievances, and seeking  
15 equal protection under law. This made its employees, including Defendants, feel free to  
16 unconstitutionally harass and intimidate people for said protected activities.

17           40. Based on the foregoing and following evidence as well as information and belief that  
18 further evidence will be discovered, Defendants FDOR and CHHS, by various means such as cover-ups,  
19 sham investigations, unlawfully blocking access to its buildings and/or resources and other retaliatory  
20 actions, maintains and supports policies and practices of harassment and intimidation, defamation,  
21 discrimination on the basis of disabilities and other wrongs that harm people its employees target,  
22 including PLAINTIFF.

23           41. Defendants’ actions were taken with willful inhumanity and reckless disregard for  
24 PLAINTIFF’S state and federal constitutional and statutory rights as well as his health.

25           42. On information and belief, several Defendant DOES were both policy makers on behalf  
26 of Defendant CHHS and part of the foregoing conspiracy so the acts of their co-conspirators are  
27 attributable to them.

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43. On or about August 19, 2014, PLAINTIFF attempted to lawfully exercise his aforementioned rights and vindicate his aforementioned liberties at an office of Defendant CHHS. PLAINTIFF was harmed as a result of the unidentified Defendants' actions and inaction, which was sanctioned by the top supervisor in the department. He was shocked that the Defendants abused him as they did. As a direct result of the Defendants' misconduct on August 19, 2014 and thereafter, PLAINTIFF has suffered emotional distress; he has been preoccupied with the denial of his rights. He has been upset and had trouble sleeping. His health has deteriorated. PLAINTIFF knew he had not violated the law, but he worried that some false charge and/or a conviction on his record would prevent him from vindicating his rights and resuming his career as a leader in his field. He could not afford to hire an attorney to help him restore his civil and other rights that Defendants deprived him of on August 19, 2014.

44. Defendants have severely chilled PLAINTIFF of his First Amendment activities.

45. PLAINTIFF was looking for work at the time of Defendants' foregoing acts. His job search has been hampered because of them.

46. PLAINTIFF has suffered further harm as Defendants have continued to retaliate against him because of his formal complaints about their misconduct.

47. Some Defendants, including some DOES, had the power and obligation to intervene and protect PLAINTIFF from crimes, violations of his civil and other rights as well as other harm by other Defendants, but they failed to do so.

## **CLAIMS FOR RELIEF**

### **FIRST CLAIM FOR RELIEF**

**(Violations of 42 U.S.C. § 1983)**

**(Against All Individual Defendants)**

48. PLAINTIFF realleges and incorporates herein by reference each and every foregoing paragraph of this Complaint as if set forth in full.

49. PLAINTIFF complains and alleges this cause of action against all Individual Defendants.

50. Individual Defendants deprived PLAINTIFF of his clearly established rights to freedom of speech (e.g., protections against viewpoint discrimination, protection of gathering and recording

information about government activities, etc.) and to petition the government for redress of grievances under the First Amendment to the United States Constitution, to freedom from threatened arrest, seizure and search without probable cause under the Fourth Amendment to the United States Constitution, to freedom from deprivation of liberty and property without due process of law, including such deprivation by means of threatened false arrest, under the Fifth Amendment to the United States Constitution as applied under the Fourteenth Amendment, and his fundamental liberty interest in the care, custody, and management of his child, which is protected by the Fourteenth Amendment. They also perpetrated crimes against PLAINTIFF under 18 U.S.C. § 241: CONSPIRACY AGAINST RIGHTS; 18 U.S.C. § 242: DEPRIVATION OF RIGHTS UNDER COLOR OF LAW; 18 U.S.C. § 371: CONSPIRACY; 18 U.S.C. § 1503(A): OBSTRUCTION OF JUSTICE; 18 U.S.C. § 1512: TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT; 18 U.S.C. § 1513: RETALIATING AGAINST A WITNESS OR VICTIM; and 18 U.S.C. § 2(A): AIDING AND ABETTING. They also committed civil wrongdoing against PLAINTIFF under 42 U.S.C. § 12132: DISCRIMINATION and other provisions of the Americans with Disabilities Act (ADA) as amended.

51. As a direct and proximate result of Defendants' actions, PLAINTIFF suffered the damages described above.

## **SECOND CLAIM FOR RELIEF**

**(Violations of BANE ACT (CAL. CIVIL CODE § 52.1))**

**(Against All Individual Defendants)**

52. PLAINTIFF realleges and incorporates herein by reference each and every foregoing paragraph of this Complaint as if set forth in full.

53. PLAINTIFF complains and alleges this cause of action against all Individual Defendants.

54. PLAINTIFF alleges that the Individual Defendants, in carrying out the conduct as described in this complaint, violated the Bane Act (California Civil Code § 52.1) by interfering with and/or attempting to interfere with PLAINTIFF'S exercise and enjoyment of his rights as secured by the United States Constitution, California Constitution and common law and statutory rights, including protection from discrimination on the basis of his disabilities or economic status and protection from the following state crimes: CPC § 518, EXTORTION; CPC § 136.1(b)(1); CPC §§

1 136.1(c)(1),136.1(c)(2)AND/OR 137(b) or (c): INFLUENCING, INTIMIDATING OR  
 2 THREATENING A WITNESS, VICTIM, OR AN INFORMANT; CPC § 182(a)(1), (2) & (5):  
 3 CONSPIRACY.

4 55. As a direct and proximate result of Defendants' violations of § 52.1, PLAINTIFF  
 5 suffered the damages described above.

### 6 **THIRD CLAIM FOR RELIEF**

7 **(Violations of Unruh Civil Rights Act (CAL. CIVIL CODE, §§ 51, 52))**

8 **(Against All Individual Defendants)**

9 56. PLAINTIFF realleges and incorporates herein by reference each and every foregoing  
 10 paragraph of this Complaint as if set forth in full.

11 57. PLAINTIFF complains and alleges this cause of action against all Individual Defendants.

12 58. PLAINTIFF alleges that the Individual Defendants, in carrying out the conduct as  
 13 described in this complaint, violated the Unruh Civil Rights Act (California Civil Code §§ 51 and 52) by  
 14 interfering with and or attempting to interfere with PLAINTIFF'S exercise and enjoyment of his rights  
 15 as secured by the United States Constitution, California Constitution and common law and statutory  
 16 rights, including protection from discrimination on the basis of his disabilities or economic status and  
 17 protection from the following state crimes: CPC § 518, EXTORTION; CPC § 136.1(b)(1); CPC §§  
 18 136.1(c)(1),136.1(c)(2)AND/OR 137(b) or (c): INFLUENCING, INTIMIDATING OR  
 19 THREATENING A WITNESS, VICTIM, OR AN INFORMANT; CPC § 182(a)(1), (2) & (5):  
 20 CONSPIRACY.

21 59. As a direct and proximate result of Defendants' violations of §§ 51 and 52, PLAINTIFF  
 22 suffered the damages described above.

### 23 **FOURTH CLAIM FOR RELIEF**

24 **(Intentional Infliction of Emotional Distress)**

25 **(Against All Individual Defendants)**

26 60. PLAINTIFF realleges and incorporates herein by reference each and every foregoing  
 27 paragraph of this Complaint as if set forth in full.

28 61. PLAINTIFF complains and alleges this cause of action against all Individual Defendants.



62. Defendants conduct in doing the acts and/or omissions as set forth above acted in a manner that is outrageous.

63. Defendants' committed the outrageous acts or omissions intentionally or in reckless disregard of the probability of causing PLAINTIFF emotional distress.

64. As a direct and proximate result of Defendants' outrageous acts or omissions, PLAINTIFF suffered the damages described above.

#### **FIFTH CLAIM FOR RELIEF**

**(Intentional Interference with Contractual Relations—KFHP)**

**(Against All Individual Defendants Employed By Defendant FDOR)**

65. PLAINTIFF realleges and incorporates herein by reference each and every foregoing paragraph of this Complaint as if set forth in full.

66. PLAINTIFF complains and alleges this cause of action against all Individual Defendants employed by Defendant FDOR.

67. Defendants' committed the outrageous acts or omissions intentionally or in reckless disregard of the probability of harming PLAINTIFF.

68. As a direct and proximate result of Defendants' outrageous acts or omissions, PLAINTIFF suffered the damages described above.

#### **SIXTH CLAIM FOR RELIEF**

**(Intentional Interference with Contractual Relations—BoA)**

**(Against All Individual Defendants Employed By Defendant CHHS)**

69. PLAINTIFF realleges and incorporates herein by reference each and every foregoing paragraph of this Complaint as if set forth in full.

70. PLAINTIFF complains and alleges this cause of action against all Individual Defendants employed by Defendant CHHS.

71. Defendants' committed the outrageous acts or omissions intentionally or in reckless disregard of the probability of harming PLAINTIFF.

72. As a direct and proximate result of Defendants' outrageous acts or omissions, PLAINTIFF suffered the damages described above.

**SEVENTH CLAIM FOR RELIEF****(Fraud)****(Against All Individual Defendants)**

73. PLAINTIFF realleges and incorporates herein by reference each and every foregoing paragraph of this Complaint as if set forth in full.

74. PLAINTIFF complains and alleges this cause of action against all Individual Defendants.

75. Individual Defendants and their agents have knowingly misrepresented, omitted, and/or concealed material facts in their reports, investigations and representations before and/or on behalf of California courts, and in their communications to PLAINTIFF. Each and every Individual Defendant has personally engaged in this conduct, or knew or should have known that other Individual Defendants were engaged in it on his or her behalf. These false representations are detailed throughout this Complaint and include falsified reports, the true authorship of them, the denial of any improper contact with each other, the supposed independence and neutrality of Defendants and their reports, investigations and representations, and the fraudulent endorsements of those reports, investigations and representations.

76. Defendants made and/or conducted these false reports, sham investigations and representations while knowing that their misrepresentations were materially false and/or that their omissions were material.

77. Defendants further made these misrepresentations and/or omissions in their reports, sham investigations and representations to California courts with the intent of obtaining favorable rulings and/or actions from them, enabling Defendant FDOR'S and CHHS'S employees to harass, intimidate and otherwise harm PLAINTIFF and his interests, and to propagate false and defamatory information about PLAINTIFF to court staff, other employees of Defendants FDOR and CHHS, private individuals and corporations in contractual relationships with PLAINTIFF and members of the public.

78. These material misrepresentations and/or omissions have been reasonably and justifiably relied upon to their detriment by PLAINTIFF, the California courts, other local, state and federal government agencies, employees and officials, and PLAINTIFF'S former employer and prospective employers and other associations capable of producing legitimate economic advantages for PLAINTIFF.



1 By means of their misrepresentations, omissions and repeated failures to take meaningful corrective  
2 action, Defendants have thus unjustly profited at PLAINTIFF'S unjust expense.

3 79. As a direct, proximate, and foreseeable result of Defendants' fraud, PLAINTIFF has been  
4 and will continue to be harmed, including significant fundamental liberty interest, pecuniary,  
5 reputational, and other damages. These injuries include significant damage to PLAINTIFF'S reputation,  
6 and the attorneys' fees and costs to defend himself against objectively baseless, improperly motivated  
7 sham reports, investigations, defamatory findings, void orders, and malicious prosecutions, including  
8 attorneys' fees and costs associated with exposing the Defendants' pervasive fraud in the U.S. District  
9 Court for the Northern District of California.

10 80. Defendants have engaged in the malicious, willful, and fraudulent commission of  
11 wrongful acts and, because of the reprehensible and outrageous nature of these acts, PLAINTIFF is  
12 entitled to, and should be awarded, punitive damages against each of the Defendants.

13 81. PLAINTIFF is further entitled to, and should be awarded, preliminary and permanent  
14 injunctions against Defendants, their assignees and anyone else acting in concert with them from  
15 commencing, prosecuting, or advancing in any way—directly or indirectly—any attempt to enforce an  
16 alleged child support obligation against PLAINTIFF toward Grace in any court, tribunal, or  
17 administrative agency in any jurisdiction, in the United States or abroad, including any further attempts  
18 to search or seize PLAINTIFF or his property, whether pre-judgment or otherwise, until this Court  
19 determines the merits and enters judgment on PLAINTIFF'S claims against the Defendants in this  
20 action.

## 21 **EIGHTH CLAIM FOR RELIEF**

22 **(Defamation)**

23 **(Against All Individual Defendants)**

24 82. PLAINTIFF realleges and incorporates herein by reference each and every foregoing  
25 paragraph of this Complaint as if set forth in full.

26 83. PLAINTIFF complains and alleges this cause of action against all Individual Defendants.  
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1 pressure campaign described in the foregoing paragraphs of this Complaint, the Individual Defendants  
2 have intentionally, and without justification or consent, interfered and intermeddled with PLAINTIFF'S  
3 use and enjoyment of his funds, legal claims and other property that were intended for PLAINTIFF'S  
4 efforts to reunite with his only child, who is now 10 years old, and other lawful purposes, including  
5 protection and/or enhancement of his good reputation.

6 93. PLAINTIFF has been harmed and the use of his property has been interfered with and  
7 disturbed when his property, resources, and funds were necessarily redirected from their intended uses to  
8 defend against the Individual Defendants' fraudulent allegations and misleading pressure campaign. For  
9 example, PLAINTIFF has been forced by the Individual Defendants' intentional and wrongful conduct  
10 to expend funds and other resources defending against fraudulent prosecution related to a non-existent  
11 child support obligation, pursuing other legal relief, uncovering the Individual Defendants' fraud  
12 through investigations (with which the Individual Defendants have continually interfered and which they  
13 have unduly delayed), responding to false and misleading reports of PLAINTIFF'S conduct which have  
14 been induced by the Individual Defendants, and maintaining an ongoing effort to provide accurate  
15 information about PLAINTIFF and other aspects of the Individual Defendants' fraud to the private  
16 individuals, media, investigators, a former employer, potential employers, the state and federal  
17 government and the public.

18 94. PLAINTIFF also has been harmed in that Defendants' conduct has damaged  
19 PLAINTIFF'S reputation, thus interfering with his interest in the public, employer and community  
20 goodwill toward it. Public and employer awareness of and positive associations with PLAINTIFF'S  
21 name are among his most valuable assets, and PLAINTIFF has invested substantial resources into  
22 building his good reputation. The Individual Defendants have intentionally sought to reduce and/or  
23 threaten to reduce the value of his reputation as part of their extortionate scheme. On information and  
24 belief, a key element of the Individual Defendants' strategy is to impose upon PLAINTIFF the cost of  
25 his sullied reputation before courts and among investigators, employers, community members, private  
26 individuals and others from whom he could otherwise gain advantages, including economic advantages.



1           95.     The harms suffered by PLAINTIFF are the direct, proximate, and reasonably foreseeable  
2 results of the Individual Defendants' acts of intentional interference with PLAINTIFF'S funds, legal  
3 claims, reputation, relationships and goodwill.

4           96.     Defendants have engaged in the malicious, willful, and fraudulent commission of  
5 wrongful acts and, because of the reprehensible and outrageous nature of these acts, PLAINTIFF is  
6 entitled to, and should be awarded, punitive damages against each of the Defendants.

7           97.     PLAINTIFF is further entitled to, and should be awarded, preliminary and permanent  
8 injunctions that enjoin Defendants, their assignees, and anyone else acting in concert with them—  
9 including any employees or associates of Defendants FDOR and/or CHHS—from commencing,  
10 prosecuting, or advancing in any way—directly or indirectly—any attempt to recognize or enforce an  
11 alleged child support obligation against PLAINTIFF toward Grace in any court, tribunal, or  
12 administrative agency in any jurisdiction, in the United States or abroad, including any attempt to search  
13 or seize PLAINTIFF and/or any of PLAINTIFF'S property under the pretenses of that document unless  
14 and until this Court determines the merits and enters judgment on PLAINTIFF'S claims against the  
15 Defendants in this action.

#### 16                               **ELEVENTH CLAIM FOR RELIEF**

#### 17                               **(Civil Conspiracy)**

#### 18                               **(Against All Defendants)**

19           98.     PLAINTIFF realleges and incorporates herein by reference each and every foregoing  
20 paragraph of this Complaint as if set forth in full.

21           99.     As set forth above, Defendants have committed torts against PLAINTIFF, including acts  
22 violating his civil rights protected by state and federal law, malicious prosecution, intentional infliction  
23 of emotional distress, fraud, defamation, negligence, and trespass to chattels.

24           100.    Defendants agreed to participate in a common scheme against PLAINTIFF. Defendants  
25 intentionally participated in the furtherance of a plan or purpose to obtain property from PLAINTIFF. In  
26 furtherance of this plan or purpose, Defendants committed overt and unlawful acts as alleged herein.

27           101.    As a direct and proximate result of Defendants' conspiracy, the overt acts committed in  
28 furtherance of that conspiracy, and the torts committed against PLAINTIFF, PLAINTIFF has been

1 damaged in his employment, property and relationships, and further damage to PLAINTIFF'S  
2 employment, property and relationships is threatened and imminent.

3 102. Defendants have engaged in the malicious, willful, and fraudulent commission of  
4 wrongful acts and, because of the reprehensible and outrageous nature of these acts, PLAINTIFF is  
5 entitled to, and should be awarded, punitive damages against each of the Defendants.

6 103. PLAINTIFF is further entitled to, and should be awarded, preliminary and permanent  
7 injunctions that enjoin Defendants, their assignees, and anyone else acting in concert with them—  
8 including any employees or associates of Defendants FDOR and/or CHHS—from commencing,  
9 prosecuting, or advancing in any way—directly or indirectly—any attempt to recognize or enforce an  
10 alleged child support obligation against PLAINTIFF toward Grace in any court, tribunal, or  
11 administrative agency in any jurisdiction, in the United States or abroad, including any attempt to search  
12 or seize PLAINTIFF and/or any of PLAINTIFF'S property under the pretenses of that document unless  
13 and until this Court determines the merits and enters judgment on PLAINTIFF'S claims against the  
14 Defendants in this action.

15 **TWELFTH CLAIM FOR RELIEF**

16 **(Monell Violations of 42 U.S.C. § 1983)**

17 **(Against Defendants FDOR and CHHS)**

18 104. PLAINTIFF realleges and incorporates herein by reference each and every foregoing  
19 paragraph of this Complaint as if set forth in full.

20 105. PLAINTIFF complains and alleges this cause of action against Defendants FDOR and  
21 CHHS.

22 106. The violations of PLAINTIFF'S constitutional and other federal rights as well as the  
23 federal crimes perpetrated against him by the Individual Defendants were caused by the policies and  
24 customs of Defendants FDOR and CHHS as described above.

25 107. As a direct and proximate result of Defendants' actions, PLAINTIFF suffered the  
26 damages described above.

27 **THIRTEENTH CLAIM FOR RELIEF**

**(Request for Declaratory Judgment That PLAINTIFF Does Not Have a Child Support Obligation  
Toward Grace)  
(Against All Defendants)**

108. PLAINTIFF realleges and incorporates herein by reference each and every foregoing paragraph of this Complaint as if set forth in full.

109. PLAINTIFF is entitled to a declaratory judgment that he does not have a child support obligation toward Grace pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201(a).

110. A declaratory judgment will not improperly increase friction between sovereign legal systems or encroach on the proper domain of a state court because no court has a right to impose fraudulent obligations for child support.

111. By this claim, PLAINTIFF seeks a declaratory judgment that he does not have a child support obligation toward Grace, including but not limited to under the United States Constitution, federal common law, Florida law and/or California law principles, on, among others, grounds of termination of his parental rights, fraud, failure to afford procedures compatible with due process, lack of impartial tribunals, and contravention of public policy.

112. By reason of the fraudulent acts and fundamentally unfair proceedings described in this Complaint that have given rise to the damage done to PLAINTIFF, an actual and justiciable controversy has arisen and now exists between PLAINTIFF and the Defendants as to whether there is a child support obligation from PLAINTIFF to Grace in the United States. There is also a pressing need to establish that PLAINTIFF is safe from Defendants' further fraudulent and other wrongful acts. Defendants' actions on behalf of themselves, each other, and the alienating mother of PLAINTIFF'S former child have damaged and are threatening to continue damaging PLAINTIFF. Unless the controversy between the parties is resolved, the Defendants and/or their beneficiaries will continue to harm PLAINTIFF and will extort further payoffs from him.

113. PLAINTIFF has no adequate remedy at law. A declaratory action is necessary and useful in resolving and disposing of the question of whether a child support obligation from PLAINTIFF to Grace exists, and is the best and most effective remedy for finalizing the controversy between the parties as to this issue and for relieving PLAINTIFF from the expensive and damaging uncertainty surrounding



1 future claims to such an obligation. PLAINTIFF is entitled to have that question settled promptly so he  
 2 may continue exercising his civil rights without the threat of false claims to such an obligation being  
 3 used against him.

4 114. PLAINTIFF is further entitled to, and should be awarded, preliminary and permanent  
 5 injunctions that enjoin Defendants, their assignees, and anyone else acting in concert with them—  
 6 including any employees or associates of Defendants FDOR and/or CHHS—from commencing,  
 7 prosecuting, or advancing in any way—directly or indirectly—any attempt to recognize or enforce an  
 8 alleged child support obligation against PLAINTIFF toward Grace in any court, tribunal, or  
 9 administrative agency in any jurisdiction, in the United States or abroad, including any attempt to search  
 10 or seize PLAINTIFF and/or any of PLAINTIFF'S property under the pretenses of that document unless  
 11 and until this Court determines the merits and enters judgment on PLAINTIFF'S claims against the  
 12 Defendants in this action.

#### 13 **FOURTEENTH CLAIM FOR RELIEF**

14 **(Request for Injunction and Declaratory Judgment Pursuant to California CCP § 526a)**

15 **(Against All Defendants Employed by CHHS)**

16 115. PLAINTIFF realleges and incorporates herein by reference each and every foregoing  
 17 paragraph of this Complaint as if set forth in full.

18 116. PLAINTIFF is entitled to injunctive relief and a declaratory judgment regarding the  
 19 unlawful enforcement against PLAINTIFF of a non-existent child support obligation toward Grace  
 20 pursuant to California CCP § 526a, which provides a cause of action to taxpayers to enjoin any state  
 21 agency or a local government entity from carrying on any unlawful actions. See *Cates v. Cal. Gambling*  
 22 *Control Comm'n*, 154 Cal.App.4th 1302, 65 Cal. Rptr.3d 513, 518 (2007).

23 117. Defendants employed by CHHS, in their official capacities, including the Secretary of  
 24 CHHS, continue to violate the First, Fourth, Fifth and Fourteenth Amendments by, *inter alia*, requiring  
 25 certain state citizens who are overwhelmingly male to pay non-existent child support obligations or face  
 26 deprivations of liberty and property without due process of law.

27 118. PLAINTIFF therefore seeks an injunction under the foregoing statute preventing  
 28 Defendants from expending state funds in this unconstitutional manner.

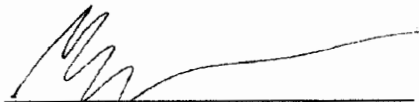
**PRAYER FOR RELIEF**

PLAINTIFF has suffered and is suffering the injuries and damages described above, including severe emotional distress, economic loss, pain, suffering, anxiety, medical complications, damage to reputation, deprivation of rights and other injuries and harm as may be determined by the trier of fact.

WHEREFORE PLAINTIFF prays judgment against each and every Defendant and seeks damages in an amount greater than \$75,000 to be determined as follows:

1. Compensatory Damages;
2. Special Damages
3. General and Punitive Damages;
4. Damages for Emotional Distress;
5. Pain and Suffering Damages;
6. Economic Damages;
7. Statutory Damages;
8. Attorney Fees;
9. Interest and Costs of the action;
10. Preliminary and Permanent Injunctive Relief;
11. Declaratory Relief; and,
12. Any other damages and/or legal and equitable relief as the Court finds appropriate and just.

Dated: October 23, 2014

  
MICHAEL GEARY WILSON

**DEMAND FOR JURY TRIAL**

PLAINTIFF demands a jury trial on all issues and causes of action related to this complaint.

Dated: October 23, 2014

  
MICHAEL GEARY WILSON

**APPENDIX A**

**(Certified Copy of a California Court Order Entered October 24, 2011 Confirming the  
Enforceability in California of an Attached Florida Court Order Entered June 13, 2011  
Terminating PLAINTIFF'S Parental Rights)**



SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF ALAMEDA

DATE: October 24, 2011

DEPARTMENT 302

HON. Judge Ioana Petrou

Deborah Wanzo, Deputy Clerk

FILED  
ALAMEDA COUNTY

In the Marriage of

Jamie Caroline Wilson, Petitioner

Case No. AF11598935

OCT 24 2011

Vs.

Exec. Off./Clerk

Michael Geary Wilson, Respondent.

By MINUTE ORDER

Mr. Michael Geary Wilson filed an ex parte application entitled "Petition for Enforcement of Out-of-State Custody Determination" on October 20, 2011 with the Alameda County Superior Court.

The out of state custody order that Mr. Wilson seeks to enforce was not attached to the application or any subsequent filing but, rather, a July 13, 2009 "Hearing Disposition Form" was provided.

The application is DENIED for the following reasons:

- (1) Mr. Wilson did not submit an actual custody order that he is seeking to enforce;  
and
- (2) The 2009 custody order has been modified by a subsequent order dated June 13, 2011 out of the Circuit Court of the Eighth Judicial Circuit, in and for Alachua County, Florida, which is attached hereto.

The Court further ORDERS that if Mr. Wilson files any further pleadings in this matter they must be provided to counsel for Ms. Jami Caroline Wilson, whose contact information is set forth below:

Darby Hertz  
Hertz & Kearns  
618 NE 1<sup>st</sup> Street  
Gainesville, FL 342601  
Telephone: (352) 378-2268  
Facsimile: (352) 378-2269

  
Judge Ioana Petrou

1600000  
10-24-11

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT,  
IN AND FOR ALACHUA COUNTY, FLORIDA

IN RE: The Marriage of

JAMI CAROLINE WILSON,

Former Wife,

and

MICHAEL GEARY WILSON,

Former Husband.

RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 2650653 2 PGS  
June 15, 2011 09:46:16 AM  
Book 4037 Page 2302  
J. K. IRBY Clerk Of Circuit Court  
ALACHUA COUNTY, Florida



CASE NO. 2009-DR-1544  
DIVISION "F"

CLERK OF COURT  
ALACHUA COUNTY

2011 JUN 13 AM 10:13

FILED  
CK 58

**SUPPLEMENTAL FINAL JUDGMENT MODIFYING PARENTING PLAN**

THIS CAUSE came before the Court for non-jury trial regarding the Former Wife's Supplemental Petition for Modification of Final Judgment. Contrary to the Court's direction to do so, the Former Husband failed to appear personally. The Former Husband has been served and has, in any event, submitted himself to the jurisdiction of this Court by seeking affirmative relief in this Court.

Upon the evidence presented, the Court finds that there has been a substantial permanent change in circumstances regarding parental responsibility and time-sharing. Specifically, the Former Husband has since the date of the Final Judgment moved from the State of Florida to the State of California, and has not had any significant contact or involvement in the parties' child's life since that time. In addition, the contacts that he has had have been disruptive and emotionally harmful to the child. The evidence clearly shows that the Former Husband's participation in joint parental responsibility as well as time-sharing with the parties' minor child would not be in the best interests of said minor child and in fact would be detrimental. Accordingly, it is hereby

ORDERED AND ADJUDGED that the Former Wife's Petition for Modification is GRANTED as follows:

1. The Former Wife shall have sole parental responsibility for the parties' minor child



2



and shall make all decisions regarding the care and wellbeing of said minor child.

2. The Former Husband shall have no time-sharing of any kind with the minor child until further Order of the Court.

DONE AND ORDERED in Chambers at Gainesville, Alachua County, Florida, this 9 day of June, 2011.

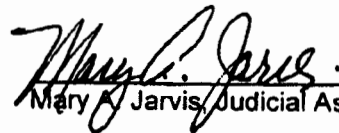
  
TOBY S. MONACO, Circuit Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular U.S. Mail or hand delivery, this 9 day of June, 2011, to:

Michael Geary Wilson  
1951 Telegraph Avenue, Ste 210  
Oakland, CA 94612

Darby F. Hertz, Esq.  
618 NE First Street  
Gainesville, FL 32601

  
Mary Jarvis, Judicial Assistant



J. K. Irby, Clerk of the Circuit & County Court,  
Eighth Judicial Circuit of Florida, in and for  
Alachua County, hereby certifies this to be a  
true and correct copy of the document now of  
record in this office. Witness my hand and seal  
this 19 day of October, 2011.  
J. K. Irby, Clerk of the Circuit & County Court  
By Wanda Watts  
Deputy Clerk



**CLERK'S CERTIFICATE OF SERVICE BY MAIL**  
**CCP 1013a(3)**

**CASE NAME: Wilson vs Wilson**  
**ACTION NO: AF11598935**

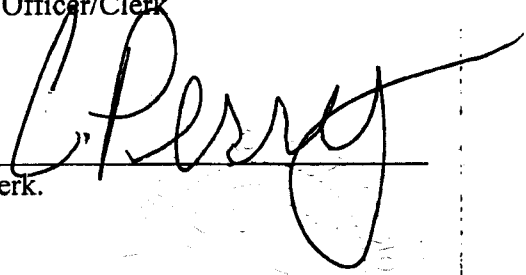
I certify that, I am not a party to the within action. I service a copy of the forgoing Order dated, *October 24, 2011* by depositing a true copy thereof in the United States mail in Alameda, California on October 24, 2011, in a sealed envelope with postage fully prepaid thereon addressed to:

Michael Geary Wilson  
1951 Telegraph Ave., Ste 210  
Oakland, CA 94612

Jami Caroline Wilson  
C/O Darby Hertz  
Hertz & Kearns  
618 NE 1<sup>ST</sup> Street  
Gainesville, FL 32601

I declare under penalty of perjury that the following is true and correct executed October 24, 2011, in Alameda, California.

Patricia Sweeten  
Executive Officer/Clerk

  
\_\_\_\_\_  
Deputy Clerk.

